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FEB -4 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

U.S. DISTRICT COURT  
GREENVILLE, S.C.

Mr. John F. Cagleby #194567

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Dennis Bush Warden et al

See attached

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil  
Rights

(Prisoner Complaint)

Case No. 8:19-cr-00016-TMC-JDA

(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No  
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

1A- Defendants  
part.

Sgt. Brown, OFc. Vanderlinday Capt. Jorus, Capt. Young, Sgt.  
W. Harris, Sgt. Johnson, Sgt. Davis, Corp. Daniels, Nurse Collins,  
Alice Stephan, Warden Dennis Brash, Major Ocean,

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Mr. John F. Ogleby

All other names by which you have been known:

\_\_\_\_\_  
\_\_\_\_\_  
ID Number 194567

Current Institution Broad River Corr. Inst.

Address 386 Broad River Hwy  
McCormick SC 29899

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Brown

Job or Title Sgt.

(if known)

Shield Number \_\_\_\_\_

Employer Broad River Corr. Inst.

Address 4460 Broad River Road

Columbia SC 29210

Individual capacity  Official capacity

Defendant No. 2

Name Landenlinson

Job or Title (if known) Unit Manager/Co-Manager/SGT  
 Shield Number \_\_\_\_\_  
 Employer Broad River Correctional Institution  
 Address 4460 Broad River Road  
Columbia SC 29210  
 Individual capacity  Official capacity

## Defendant No. 3

Name Jones  
 Job or Title (if known) Cap. I.  
 Shield Number \_\_\_\_\_  
 Employer Broad River Correctional Institution  
 Address 4460 Broad River Road  
Columbia SC 29210  
 Individual capacity  Official capacity

## Defendant No. 4

Name Young  
 Job or Title (if known) Cap. I.  
 Shield Number \_\_\_\_\_  
 Employer Broad River Correctional Institution  
 Address 4460 Broad River Road  
Columbia SC 29210  
 Individual capacity  Official capacity

*See attached pages.*

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## 3) The Defendants

P-3  
cont

Defendant No. 5

Williams

NAME

Job or T.H. Sgt.

Shield Number

Employer Broad River Correctional Inst.

Address 4460 Broad River Road Columbia SC 29210

 Individual capacity     Official capacity

Defendant No. 6

Johnson

Name

Job or T.H. : Sgt.

Shield Number

Employer Broad River Corr. Inst.

Address 4460 Broad River Road Columbia SC 29210

 Individual capacity     Official capacity

Defendant No. 7

Davis

Name

Job or T.H. Sgt.

Shield Number

Employer Broad River Correctional Inst.

Address 4460 Broad River Road

Columbia, SC 29210

 Individual capacity     Official capacity

## b) The Defendants

P3  
cont

Defendant no 8

Daniels

Name

Job or T.H.C Corp

Shield Number

Employer

Broad River Correctional Inst.  
4460 Broad River Road  
Columbia, SC 29210

Address

 Individual capacity Official capacity

Defendant no 9

collins

Name

Job or T.H.C nurse

Shield Number

Employer

Broad River Correctional Inst  
4460 Broad River Road  
Columbia SC 29210

Address

 Individual capacity Official capacity

Defendant no 10

stephan

Name

Job or T.H.C A/H

Shield Number

Employer

Broad River Correctional Inst.  
4460 Broad River Road  
Columbia, SC 29210

Address

 Individual capacity Official capacity

## B) The Defendants

pg. 3  
cont

## Defendant 1A

Name Dennis Bush

Job or Title Warden

Shield Number

Employer Broad River Corr. Inst.

Address 4440 Broad River Road

Columbia, S.C. 29210

 Individual capacity Official capacity

## Defendant 1B

Name Allen

Job or Title Major

Shield Number

Employer Broad River Corr. Inst.

Address 4440 Broad River Road

Columbia, S.C. 29210

 Individual capacity Official capacity

## Defendant 1B

Name

Job or Title

Shield Number

Employer Broad River Correctional Inst.

Address 4440 Broad River Road

Columbia, S.C. 29210

 Individual capacity Official

II. Basis for Jurisdiction  
(cont.)

B) towards plaintiffs inhumane living conditions, the Fourteenth Amendment prohibits the violation of plaintiffs due process rights.

D) (use of excessive force) denials and delays in responding to the unprovoked attack by, Corp. Brown, Cpl. Vandenbush, Sgt. Williams, Sgt. Davis, Sgt. Johnson, Capt. Yang, 1st Lt. Capt. Jones, Wardens Dennis Bush, Associate Wardens Stephan, Corp Daniels, nurse Collins, in not providing medical treatment for insulin intake, heart problems, and treatment for injuries sustained by plaintiff from the use of excessive force.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*The eighth amendment prohibits the unnecessary and wanton infliction of pain by the use of excessive force. It further prohibits deliberate indifference to serious medical need. Acts of retaliation, deliberate indifference to plaintiff's safety, deliberate indifference to plaintiff's serious medical need, assault and battery. See attached page.*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*At all times each and every defendant acted under color of state law in violating plaintiff's eighth and fourteenth amendments with deliberate indifference to plaintiff's serious medical need, assault and battery.*

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee

Convicted and sentenced state prisoner  
 Convicted and sentenced federal prisoner  
 Other (explain) \_\_\_\_\_

#### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

\_\_\_\_\_ ←  
 \_\_\_\_\_  
 \_\_\_\_\_

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On Oct. 14, 2017 at Broad River Correctional between the hours  
 of 10 am until 5pm at the medical deer during the mandatory  
 insulin call when plaintiff was to go receive insulin shots  
 see attached pages

C. What date and approximate time did the events giving rise to your claim(s) occur?

Oct. 14, 2017 between 10am and 5pm  
 \_\_\_\_\_  
 \_\_\_\_\_

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I twice a medical attention for heart attack probably by nurse  
 calling and assaulted by Sgt. Brown (101ml) of C. Rendall Johnson  
 (10111) Capt. Vandy Capt. Barry Sgt. Williams Sgt. Davis, Capt. Davis (10111)  
 Sgt. Johnson, Murray Unit Inmate on Rec.  
 attach page

## IV. Statement of claim

- 1) Plaintiff asserts that the defendants, all employees of SCDC failed to provide him with prompt and proper treatment for post surgery treatment and medication intake for insuring treatment purposes for a Heart Obliteration and delays and failures to carry out physician's orders for the continued treatment after surgery. These omissions constitute deliberate indifference to a serious medical need in violation of the Eighth Amendment to the United States Constitution.
- 2) Plaintiff asserts that the defendants all employees of SCDC failed to protect plaintiff from Physical Brutality, when two officers denied him adequate medical care in following post surgery recommendations. These omissions violate plaintiff's Eighth Amendment right from the use of excessive force which constitutes cruel and unusual punishment. These actions by these guards violate The Eighth Amendment to the United States Constitution.
- 3) Plaintiff asserts that the defendants all employees of SCDC failed to provide plaintiff procedural due process when plaintiff wasn't given notice of a hearing, the right to call witness's, assistance in preparing for the hearing, a fair and impartial decision maker, the right to question witness's. These omissions constitute due process violations to the Fourteenth Amendment to the United States Constitution.

1. AND UNDERSIGNED

IV. statement of claim  
cont.

4. Plaintiff asserts that the defendants all employers of SCDC failed to provide him with the right to safe and humane living conditions, which exposed plaintiff to unreasonable risk to serious harm. These actions constitute a violation of the Eighth Amendment of the Constitution of the United States.

IV. Statement of Claim  
Cont.

B)

On October 2, 2017 I was in my assigned cell during the afternoon security count. I started experiencing severe chest pains, shortness of breath, blurry vision and lightheadness. I had ~~an~~ Inmate Vincent missouri go get the Sgt. Working the wing. She then called medical requesting that I be seen immediately. With the help of two inmates I was escorted to the medical facility.

During the initial exam it was documented that my blood pressure was below normal. I was rushed to Palmetto Regional Hospital after thirteen hours in the visiting room of was finally admitted. I was placed on two heart monitors and put in the heart specialist wing. During this time I was given extensive medical examination daily. Several days later I was informed by my treating surgeons that I needed to ~~do~~ have treatment by having a heart ablation surgery. Before and after the heart ablation surgery I was informed I was a diabetic and started receiving insulin shots on a daily basis at the hospital. I was released on October 7, 2017 and sent back to Broad River Correctional Institution, during my intake Nurse Practitioner Hamilton ordered that a EKG be taken documenting my heart pattern, to be compared to ones taken if I had any future breathing or heart problems. On Friday, ~~11/03/17~~ ~~11/03/17~~ I was examined by the Institutional Head doctor, who ordered medications and recommended with my treating surgeon's, that if I suffered any complications I was to report it and report to the medical building.

IV. Statement of claim, cont.

B)

immediately. Also, documenting that these were (are) my treating post surgeon's recommendations as well his. Documenting I was to report to medical and have regularitory blood sugar checks, blood pressure checks, receive insulin shots, all which were started at the hospital and are post surgery recommendations.

On October 14, 2017 after being told by wing OFC McCrae to go get my insulin I proceed to medical with the other diabetics upon getting to the medical area. OFC Vanderlinden, informed me that I didn't get insulin and I wasn't coming in the building. I attempted to explain I previously had surgery, a heart ablation procedure and I was suppose to have insulin shots, and I was having chest pains and tightness in my chest. OFC Vanderlinden stated, "you not coming in here take your ass back to the dorm." I told him (OFC Vanderlinden) I was following post surgery treating recommendations from treating surgeon's, S&DC head doctor and Nurse Practitioner Hamilton, advising me that if I had any complications to report to medical which Nurse Practitioner Hamilton ordered after the EKG was done on my return to the Institution. OFC Vanderlinden, told me that "If I didn't leave he was gonna call the acting yard OFC."

I stood there all the while experiencing chest pains asking, "to be seen by Nurse Collins." the on duty nurse Corporal Brown came to medical in a violent threatening manner I tried to explain my problem and what

IV. Statement of Claim, cont.

B)

was wrong. Due to my name not being on a pre-dated report on the insulin roster, I was not being allowed medical treatment for insulin, and denying me medical treatment for the problems I was having then OFC. Vanderlinden and Corporal Brown advised me, "If I didn't take my black ass back to the dorm, He (Corporal Brown) was gonna bust my head and drag me back to the unit." OFC. Vanderlinden agreeing with what Corporal Brown stated. (Exhibit A)

I informed Corporal Brown, that I needed medical attention and I needed to speak with a supervisor. Corporal Brown assumed a defensive position and OFC. Vanderlinden stepped behind me. As I attempted to walk past Corporal Brown he struck me in the face with his closed fist and OFC. Vanderlinden clipped my feet from under me and they threw me to the sidewalk with Corp. Brown on top of me choking me and punching me in my chest and stomach area, hollering roll over on your stomach and put your hands behind your back. After rolling over Corp. Brown put his knee in the small of my back forcing my face into the sidewalk, as OFC. Vanderlinden was kicking me in my left shoulder, screaming more Brown, more Brown and let me mace him. (Exhibit B)

I was yelling for help and pleading with them to let me go, I was having chest pains and couldn't breath. I yelled out to Corp. Brown, saying "Brown you don't remember being in the dorm feeding us our meals and OFC McCrae

## IV. Statement of Claim, cont

B)

told me to go take my insulin." Then, it dawned upon him (Corp. Brown) I was telling the truth, He (Corp. Brown) and OFC Vanderlinde stopped their attack on me, getting up telling OFC. Vanderlinde "to check again" and left leaving me laying on the sidewalk in front of the medical building. I lay there begging for help to no avail, thinking if they don't kill me then I'm gonna die anyways. There were about 35 to 50 inmates on the murry unit Rec. Field that watched and witnessed this brutal assault and denial of medical attention. Some time later OFC. Vanderlinde came back outside and threw my Identification card on the ground, telling me to take my black ass back to the unit, I wasn't getting any medical attention. I crawled, stumbled and staggard towards the operations gate. When an inmate was leaving the visitation room, I asked him to please go get me some help. I was just beat up and having severe chest problems and breathing problems. The OFC. working the visitation shake down came and carried me inside the visitation shake down area and laid me on the floor. (Exhibit C)

Returning with, Sgt. Johnson (Black Female) Sgt. Williams (Black Female) Corp Daniels (Black Female) Sgt. Davis (Black Female) Sgt. Johnson and this OFC picked me up taking me back outside and laid me on the sidewalk by the operations entrance gate.

Lt. Jones (Black Female) came out asking me what was wrong. Explaining that Corp Brown and OFC Vanderlinde who

## IV. Statement of claim, cont'd

B) had just assuaged me and explaining my medical condition. She (Lt. Jones) stated, "Who Brown?" all the while her and the rest Sgt. Johnson, Sgt. Williams, Sgt. Davis, Corp. Daniels, stood there looking and laughing at me. Lt Jones, stated, "I'll talk to Brown." These SCDC officers all stood there and watched me suffer in pain at times losing my breath and not once did any of them attempt to get me any medical aid. At one point when I ~~feel~~ couldn't regain my breath they thought I was dead and they really started laughing. Showing me the callousness and cold heartedness that these (people) express towards an inmate at SCDC, the pure evil nature of their hearts.

Lt. Jones took my Identification card and left as well the others as I lay on that sidewalk wondering how only you can save me, for I have no hope nor nothing else, praying that I would not die like a dog or piece of trash thrown out and left as I lay there upon the ground. Lt Jones returned dropping my Id card out of my reach telling me that Nurse Collins, Corp. Brown Capt. Young and Off. Vandulander said, "there was nothing wrong with me, I didn't have any heart problems and I never had any type of surgery and I wasn't receiving any help."

I wasn't offered nor given any medical treatment on that dock as I laid there on that sidewalk, by myself when Lt Jones left me there. I was only following my treating surgeon's, SCDC Head Doctor, and the Nurse Practitioner's

B) post surgery recommendations. Instead I was verbally and physically assaulted, laughed at and left for dead. These heinous acts of deliberate indifference, excessive force, towards my serious medical need are a violation of the eight and fourteenth amendment constitutional rights I was further denied medical attention for my swollen blood shot eye, bruised shoulder, chest and stomach area, scratches on my face and my painful throat, and spinal ~~elbow~~ area from the assault I received from Corp. Brown and OFC. Vandenhoven. Those employees all displayed the pure Satanic evils that I received in the wanton infliction of unnecessary infliction of pain and cruel and unusual punishment as they violated my constitutional eight and fourteenth amendments which is prohibited by the Constitution of the United States of America. (exhibit C)

Two inmates leaving their visits, carried and dragged me back to Waterloo Unit. I called my sister using the inmate pay phone system telling her what just happened (exhibit C) At no time was I offered any medical attention nor did any hand come forth to aid and assistance. I was locked in my cell Room 256 and thoroughly forgotten about. October 15, 2017, I informed ~~the~~ the wing ofc about my medical problems asking her to contact medical and received no medical attention. At shift change I asked the night shift wing officer to sign me up for sick-call, being told there wasn't no sick-call for inmates in general population due to lock-down explaining my recent surgery, my diabetes, shallow breathing and pain from

B) the assault and battery I still was denied medical attention for my serious medical need. That morning OFC Bly allowed an inmate go to medical for skin abrasions while showing deliberate indifference to my serious medical need. On October 16, 2017 I received three Order to reports to pick up heart medications, after repeatedly asking the the wing OFC, if I could report to pick up my medications she denied me. I informed OFC Bly of the assault that happened on October 14, 2017 explaining my condition as a result of it threat and that I needed medical attention to my serious medical need. Asking OFC Bly to contact medical, inarden, major or the investigator so I could report this incident and be taken to medical for a full and complete examination. At 1:35 pm I spoke with OFC Bly again asking her if she had contacted anyone, she stated, "Z had to much going on to be bothered with me".

On October 17, 2017 I was still trying to get to medical to have and examination so the results of the assault and battery would be documented. I requested help from all wing OFC's and none would make the routine phone call to medical. OFC Trap was the only officer working the entire plateau on this day. OFC trap released the insulin inmates but refused to allow me to go, and to pick up my medications. Instead, she gave inmate Higgins my OTK's to medical for medication pick up and my Identification card. Inmate Higgins returned back to the class with all my medications (which is

(B)

against SCDC policy rules and regulations) He Inmate Huggins stating, nurse old's was gonna send me another OTR to report to medical on October 19, 2017. He being an insulin patient!

On October 18, 2017 I sent Alvei Stephan a request to Staff member form (exhibit D) Explaining my medical condition and about the assault and battery by Corp. Brown and Off. Vandenburg and the deliberate indifference to my serious medical need by Nurse Collins, Capt. Young, Lt. Jones, Sgt. Williams, Sgt. Johnson, Sgt. Davis, Corp Daniels.

Asking old Capt Young or Lt. Jones or any other off. file any incident reports concerning these events of October 14, 2017 and that my sister had been calling the Institution requesting to speak with him or others, yet no-one would speak with her.

On October 19, 2017 I sent a request to staff member to the Investigator (exhibit E) informing him of the assault and battery by SCDC officals and the surgeons post recommendations for my serious medical need. Asking that he file charges against all involved receiving no response back.

On October 20, 2017 I sent Capt Young (Black female) a request to staff member form (exhibit F) asking her was an incident report filed, asking that I be given copies of these. Explaining the assault and battery and the deliberate indifference to my serious medical need (use of excessive force) I received no response from her or any other off. officials.

## IV. Statement of claimants

B)

On October 24, 2017 I filed my step one grievance concerning the assault and battery, use of excessive force, and deliberate indifference to a serious medical need only to have it returned unprocessed for failure to attempt a formal resolution (exhibit E), my informal resolutions were done when I sent out all request to staff member forms (exhibits D, E, F) and me informing all SCCC officials of the incident (Lt. Jones, Sgt. Johnson, Sgt. Williams, Sgt. Davis, Capt. Daniels, CFC, Bly, CFC Trap).

From October 26 up until November 6, 2017 I repeatedly asked to speak with the Warden, major, or captain, all my request fell upon deaf ears. I received no help for my serious medical needs, from the assault and battery use of excessive force and deliberate indifference to all my serious medical needs.

On November 6, 2017 I sent Alex Stephan another request form (exhibit H) asking why has he not responded to my request and if he had spoken to any of those ~~officers~~ officers involved and what was his intentions concerning the deliberate indifference to my serious medical need, the brutal assault and battery, the unnecessary use of excessive force, no response. On November the 3<sup>rd</sup> I sent Warden Dennis Bush a request asking him if he has received any incident reports, medical reports concerning the incident, asking to speak with him and to have copies of any and all paperwork concerning this, no response (exhibit I)

Statement of claim cont.

B)

On November 13, 2017 I sent Harden Dennis Bush my second request, explaining my family has been trying to contact him, to discuss this incident that happened on October 14, 2017 (exhibit 3), no response.

On November 12, 2017 I filed my step I grievance form (again) seeking relief from a guilty finding at a Disciplinary Hearing by Ernest Rose claiming that I was never received twenty-four hour notice for the charge, nor was I given fundamental fairness in preparing for the hearing which I was never served with, I wasn't allowed to call witnesses or question those the Hearing officer Dennis Rose had present. At one point it was stated that the contraband officer, Moore, served me prior notification and documented my refusal to sign. His name was forged on the report, and he (moore) being present at the hearing openly stated he never spoke to ~~me~~ me concerning the charge of 403 use of marijuana or unauthorized drugs. Ernest Rose would not let his testimony to be allowed nor allowed me to call him as a witness. I was found guilty with the loss of privileges, violating my due process rights a fourteenth amendment constitutional violation. This charge and guilty finding was in retaliation for the filing of grievance (exhibit C) against those involved in the incident on October 14 2017. (exhibit A, K1, K2) grievance was denied on 1-8-18

For the remainder of November 2017 and the month of December 2017. I received no response from any request I

IV. Statement of Plaintiff.

6) I sent out to various SODC employees. I was never sent to medical for any type of examination for documentation. No one was questioned concerning the assault and Battery, use of massive force or the deliberate indifference to my serious medical need. All my attempts to have this handled in the proper fashion went unheeded. None of the officials here at Broad River Correctional Institution came to speak with me or to have me examined.

On 1-28-2018 (January) I sent major Ocean two request to staff member forms ~~10~~ (exhibits L1, L2) pertaining to earlier request about this incident on October 14, 2017. And requesting I be allowed to listen to the formal disciplinary hearing record conducted by Ernest Rowe on November 7, 2017, by his no-response I was unable to file my step two grievance, denying me my procedural due process rights.

During these months the population was on lock-down and after repeatedly requesting for the proper request to staff member forms, none were issued to me in acts of retaliation for the incident on October 14, 2017, and my continued request to speak to the Wardens, Majors, Investigators for the assault and Battery, use of excessive force, and deliberate indifference to my serious medical need, thus causing me to hand-write out originals and all copies.

On January 31, 2018 I sent major Ocean another request asking for his response as my informal resolution so I could go forward with my grievances. I received no response (exhib. Lxa)

## IV. Statement of Claim cont'd

6/ During the following months I was never given any answers concerning the assault and battery, use of excessive force, deliberate indifference to my serious medical need, and due process violations, and the retaliations that resulted for me seeking redress for this. Closing off all avenues for aid concerning the incident on October 14, 2017.

At one point Major Ocean had me to write out an incident report on plain paper detailing the entire incident beginning at October 14, 2017 up until the present date that I finally had a verbal conversation with him on Broad River Yard in front of the cafeteria building.

During the months following nothing was done concerning this. On ~~8~~ June 6, 2018 I sent Major Parish a request to staff member form asking to receive the full names of all SCDC employees and administrators, their shield numbers, job titles and to review the yard log book, medical log book, visitation log book, operations log book, on call Weekend Duty Wardens log book, and the Wataree Unit log book in order to prepare for my civil lawsuit. (Exhibit X)

D)

## Personal Responsibility

1) Dennis Bush is the Warden at Broad River Correctional Institution. He is legally responsible for the operations and security of Broad River Corr. Inst. for the safety and welfare of all inmates of Broad River Corr. Inst. He was made aware of plaintiffs serious medical condition, the assault and battery use of excessive force and due process violations, (open information and belief) by the proper operations / and security of operations per Associate Warden Stephen, Capt Ocean Capt Young (acting duty Warden on October 14, 2007) Lt. Jones, Sgt. Johnson, Sgt. Williams, Sgt. Daugherty, Darrelly Corp Brown, etc. (under belief per verbal and written reports, open information and belief) per phone conversations that plaintiffs sister placed to the Inst. through request to staff member hours (some handwritten) by plaintiff which were sent to him via Broad River Inst. phone and all journals and delays for treatment of violations to be properly addressed. By his inactions and delays in responding to plaintiffs complaints, plaintiff suffered mental anguish [from fears of retaliation] pain, harm towards plaintiffs health and mental state resulting from the denial of medical attention, the assault and battery use of excessive force, due process violations. He has shown deliberate indifference towards plaintiffs serious medical need, deliberate indifference towards the safety of plaintiff (assault and battery) deliberate indifference towards the use of excessive force (beating plaintiff record approved) deliberate indifference towards plaintiffs due process rights.

D)

### Personal Responsibility

At the time of the violation the right was clearly established and a reasonable person in the defendants position would of have been aware of the potential risk of [further] harm. [see exhibits I, J])

2) Stephan is the Associate Ward. at Broad River Correctional Inst. He is legally responsible for the operations and security at Broad River Corr. Inst. He is the warden of security. He was made aware plaintiffs serious medical cond. from the assault and battery, use of excessive force and due process violations upon information and belief) by the proper operations and security of operations per Warden Dennis Bush, Capt. Young, Major Clegg, Lt. Jones, Sgt. Williams, Sgt. Davis, Sgt. Johnson, Corp. Brown, Lt. Vandendinden, Corp. Daniels per verbal and written reports. Upon information and belief) per phone calls to the institution by plaintiffs sister and through request to staff members from plaintiff sent via Broad River mailroom and all denials and delays for treatments or violations to be properly addressed. By his inactions and delays in responding to plaintiffs complaint, plaintiff suffered mental anguish, [from fears of retaliation] pain, harm towards plaintiffs health and mental state, resulting from the denial of medical attention, the assault and battery, use of excessive force, due process violations. He has shown deliberate indifference towards plaintiffs serious medical need, deliberate indifference towards the use of excessive force (beating plaintiff around unprovoked, deliberate indifference towards the safety of plaintiff.

D)

### Personal Responsibility

(assault and battery) deliberate indifference towards plaintiffs due process rights. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [further] harm (affidavit of Oglesby, exhibit D, H)

3) Ocean is the Major at Broad River Correctional Institution. He is legally responsible for the operations of security, for the safety and welfare of all inmates at Broad River Corr. Inst. He was made aware of plaintiffs serious medical condition, the assault and battery, the use of excessive force and due process violations. Upon information and belief) by the proper operation and security of operations per Warden Dennis Bush, Alvin Stephen, Capt. Young (acting duty Warden on October 19, 2017) Lt Jones, Sgt Davis, Sgt Johnson, Sgt Phillips, Corp Brown, OFC Vanderlinde, Corp Daniels. per written and verbal reports. Upon information and belief) per phone calls plaintiffs sister placed to the institution, by direct conversations held with plaintiff on the yard, advising plaintiff to write up an incident report and sending it to him, per request do staff forms plaintiff sent via Broad River mailroom and all denials and delays for treatments or violations to be properly addressed. By his inactions and delays in responding to plaintiffs complaints, plaintiff suffered mental anguish from fears of retaliation, pain, harm toward, plaintiffs health and mental state resulting from the denial of medical attention, assault and battery, use of excessive force, due process violations. He has shown

D)

### Personal Responsibility

deliberate indifference towards plaintiff's serious medical need, deliberate indifference towards the use of excessive force/battery plaintiff received unprovoked) deliberate indifference towards the safety of plaintiff (assault and battery) deliberate indifference towards plaintiff's due process rights. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [further] harm. (exhibits 4, 4, 2, 0)

1. Capt. Young is the Captain at Broad River Correctional Inst. and the assigned Duty Warden on October 14, 2017, Copt of the RTU1 Facility. She is legally responsible for the operation of Broad River corr. Inst. and for the welfare of all the inmates in the prison. She is responsible for the safety and operations of security at Broad River corr. Inst. She was informed of my complaint, upon information and belief, ~~per~~ concerning plaintiff's serious medical condition, the assault and battery, use of excessive force, by the prison operational and security of operations per Lt. Jones, Sgt Williams, Sgt Johnson, Sgt. Davis, Corp. Brown, Ofc. Vandulinday, Nurse Collins, Corp. Daniels. by plaintiff sending a staff to request form us Broad River Matron, verbal and written reports. By her inactions and delays in responding to plaintiff's complaint, plaintiff suffered mental anguish (from fears of retaliation) pain, harm towards plaintiff's health and mental state resulting from the denial of medical attention, assault and battery, use of excessive force. She has shown deliberate indifference towards plaintiff's serious medical condition, deliberate indifference to the use of excessive force,

D)

### Personal Responsibility

deliberate indifference to the assault and battery. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of further harm. (Exhibits F, C)

5) Lt. Jones is the Lt of Broad River Correctional Instl. She is legally responsible for the operation of Broad River Corr. Instl. and for the security and welfare of all the inmates in the prison. She was informed of my serious medical condition, assault and battery, use of excessive force and the denials and delays for treatment and proper redress for the actions which occurred on October 11, 2017, as plaintiff laid on the sick walk besides the operation gate. By her denials and delays for treatment or violations to the properly address and her inactions towards plaintiff's state of present being (complaint, plaintiff suffered mental anguish, [from fears of abuse, retaliation] pain harm towards plaintiff's health and mental state, resulting from the denial of medical attention, the assault and battery, use of excessive force, living in inhumane living conditions, she has shown deliberate indifference towards plaintiff's serious medical condition, deliberate indifference towards the assault and battery) deliberate indifference to the use of excessive force (battery plaintiff received unprovoked) deliberate indifference towards the safety of plaintiff, deliberate indifference towards inhumane living conditions. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of

D)

### Personal Responsibility

the potential risk of [Further] harm. (Exhibit C)

6. Sgt. Johnson is the sergeant at Broad River Correctional Institution. She is legally responsible for the operations of Broad River Corr. Inst. and for the welfare and security of all inmates in the prison. She was made aware of plaintiff's complaint of my seniors medical need, assault and battery, use of excessive force. When she came to the visitation room shutdown area and helped to physically carry plaintiff outside laying him on the sidewalk near the operations entrance gate, in the presence of Sgt. Williams, Sgt. Davis, Lt. Jones, Corp. Daniels, Corp. Brown, Off. Vandenburg. By her actions of ~~carrying~~ laying plaintiff on the ground and her inactions towards the denial of medical attention, assault and battery, use of excessive force, and inhumane living conditions. Plaintiff suffered mental anguish from fears of retaliation, pain harm towards plaintiff's health and mental state. She has shown deliberate indifference towards plaintiff's seniors medical condition, deliberate indifference towards the assault and battery, use of excessive force (beating plaintiff received unprovoked) deliberate indifference towards plaintiff's safety, deliberate indifference towards inhumane living conditions. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [Further] harm. (Exhibit C)

7. Sgt. Williams is the sergeant at Broad River Correctional Inst. She is legally responsible for the operation of Broad River

p)

### Personal Responsibility

And for the safety and welfare of all inmates in the prison. She was informed of my serious medical condition on October 14, 2017, when she was called to the visitation shack down area and ordered Sgt. Johnson, Sgt. Davis, Corp. Daniels and the visitation off. by placing plaintiff on the sidewalk by the operations gate and hearing the consecutive plaintiff informed Lt. Jones of pertaining to the assault and battery, use of excessive force. By her demands and masters plaintiff suffered mental anguish, fears of retaliation, pain, harm and fear of death towards plaintiff's health and mental state. She has shown deliberate indifference towards plaintiff's serious medical condition, deliberate indifference towards the assault and battery, the use of excessive force (beating plaintiff received unprovoked) deliberate indifference towards the safety of plaintiff. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [unintelligible] harm. (a.t.b. L.C.)

9. Sgt. Davis is the Sergeant at Broad River Correctional Inst. She is legally responsible for the operations at Broad River Correctional Inst. and for the safety and welfare of all inmates in the prison. She was made aware of my serious medical conditions and the assault and battery, use of excessive force, when she was called to the visitation room shack down and ordered, Sgt. Johnson, Sgt. Williams, Lt. Jones, Corp. Daniels and the shack down off by carrying me out and placing me on the sidewalk

D)

## Plaintiff Responsibility

by the operations entrance gates. By her inactions plaintiff suffered mental anguish (fear of retaliation) pain, harm and fear of death towards plaintiff's health and mental state. She has shown deliberate indifference towards plaintiff's serious medical condition, deliberate indifference towards the assault and battery, deliberate indifference towards the use of excessive force (beating plaintiff without unprovoked). At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [redacted] Laram. (1st. b. b. C)

9. Sgt. Brown is the Sergeant at Broad Run Correctional Inst. He is legally responsible for the operations at Broad Run Corr. Inst. and for the security, safety and welfare of all inmates in the prison. He was made aware of my serious medical condition when feeding inmates on October 13, 2017 with OFC McCrae when she advised plaintiff do go get his insertion site, and on October 14, 2017 when he assaulted the plaintiff and using excessive force with OFC Vandulindra when plaintiff reminded him of the prior conversation with OFC McCrae. By his actions of assault and battery and use of excessive force and denies to medical attention. Plaintiff suffered mental anguish, fear of retaliation, risk to his safety, fear of another attack from Corp. Brown and OFC Vandulindra. By his inactions toward plaintiff, serious medical need, assault and battery and use of excessive force, he has shown deliberate indifference towards plaintiff.

D)

## Personal Responsibility

physical safety, dol. harm and damage towards plaintiff's serious medical condition, all pain and injuries that resulted from the assault and battery and use of excessive force. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of [further] harm. (Exhibit C)

10. DFC. Vandervliet is a doc at Broad River Corr. Inst. He is legally responsible for the security and welfare of all the inmates at Broad River Corr. Inst. He was made aware of my serious medical condition upon my return to the Institution on October 7, 2017 when plaintiff discussed his injuries and post surgery treatment recommendations. And on October 14, 2017 when plaintiff reported to medical to receive treatment and with reports of a lost part he was made aware of plaintiff's serious medical condition, assault and battery use of excessive force when he denied plaintiff medical attention before and after the doc Corp Brown beat up inmate in an unprovoked attack and beating upon inmate. By his actions plaintiff suffered mental anguish [fear of retaliation] fear for his safety, denial of medical attention, fear of another attack. It has shown by his inactions he has shown dol. harm towards plaintiff's serious medical condition, dol. harm and damage towards the assault and battery, dol. harm and damage towards the use of excessive force (beating plaintiff receives unprovoked). At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have

D)

## Personal Responsibility

been aware of the potential risk of I further I harm.

II. Nurse Collins, is a nurse at Broad River, was made aware of my complaint to my serious medical need, by reviewing my history on the assessment sheets and file, by ~~too~~ plaintiff reporting to medical to receive his insulin shots and with complaints of chest pains. By her actions and delays in giving plaintiff treatment plaintiff suffered serious harm. By her inactions plaintiff continued to suffer injury, mental anguish, extreme bodily pain, blood loss and substantial harm. By her actions and inactions toward plaintiff's serious medical condition she has shown deliberate indifference to my serious medical need, deliberate indifference to the assault and battery use of excessive force by not hurting plaintiff. At the time of the violation the right was clearly established and a reasonable person in the defendant's position would have been aware of the potential risk of I further I harm. (exhibit C)

IV. Statement of claims.  
cont.

D. And plaintiff suffered the "unnecessary and wanton infliction of pain" for no other reasons than the sadistic, sadist nature; actions to bring harm, mental anguish, malice, aggressions, of barbaricness of sheer terror, to bring to mind the reality (objective reality) that you are a state prisoner a convicted person, and I have ownership of you and can and will treat you as I deem thought[ful]. An unprovoked attack by Corp. Brown, OFC Vankempen, and Nurse Collins Capt Young Lt. Jones, Sgt. Williams, Sgt. Johnson, Sgt. Davis, Corp. Daniels all knew of the beating on the day it happened approx. 30 minutes later. Plaintiff was only following his treating surgeons recommendations and those of SCDC medical Doctor and Nurse Practitioner to receive insulin shots and monitor any heart complications or symptoms.

Know of incident that day and did nothing to help plaintiff get medical attention. LBL inmate laying on sidewalk for over an hour.

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have not been fully examined after that incident. I did not receive any treatment on Oct 14, 2017. After laying on sidewalk for about an hour. Two months laying in isolation caused plaintiff back to unit. I suffered from a black eye, swollen nose, lacerations to my face and throat. Pain in my shoulder, ribs and lower spinal column.

see attached pages

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff is seeking each and every defendant for compensatory damages jointly and severally for \$130,000.00 (one hundred and thirty thousand dollars) Punitive damages in the amount of \$150,000.00 (one hundred fifty thousand dollars) against each defendant. Each and every defendant violated my 8th and 14th amendment rights defendant

see attached page

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

✓ Injuries

## STATEMENT OF CLAIM (CONTINUED)

## Serious Harm

Due to the delays, denials and interference with recommended treatments and medications for post surgery heart ablation surgery. I have suffered loss of sensations in my left hand and the inability to grasp objects with my fingers. I've suffered a black eye, bruised and painful swollen nose, pain to my shoulder, problems swallowing my food, constant pain to my lower spinal area, that is recurring lacerations and scratches to my throat and back of neck with severe abrasion to my face area. I've suffered pain in my rib cage and stomach. I've suffered anxiety and loss of sleep, becoming depressed from the pain that consumed my body daily. I've suffered from the fear of retaliation of another attack, as well retaliation from false charges filed against me, in efforts to stop me from filing grievances and this lawsuit. I've had continued worries concerning my health issues for not being called to medical for an examination after the assault and for not receiving insulin as recommended by treating surgeons. Being apprehensive in talking with officers or administration for fear of retaliation or denial of medical attention. I've suffered chronic pain in my shoulder, back, neck and ribs, affecting my walking, standing and sitting which are my major life activities. I've continued to be humiliated, embarrassed and treated with blatant disregard and a nuisance. My medical condition was said, to be non-existent and therefore I had no need for medical attention. Having examinations delayed or denied for a prolonged period, creating unnecessary pain and suffering and mental anguish which is cruel and unusual punishment, retaliation, in constant fear

V. Injuries

## Serious Harm

of another beating; and the violations of ~~do~~ my due process rights guaranteed by SCOC policy and the federal and state constitution for no other reasons than to continue suffering and mental anguish, creating hardships and undo burdens upon my intellect and body.

## VI Relief continued

Indifference to a serious medical need, assault and battery, use of excessive force, acts of retaliation, being forced to live in inhuman living conditions and the denial of due process rights. At all times each and every defendant acted "under color of state law" in violating plaintiffs constitutional rights. Each and every defendant is also personally responsible for the violations of plaintiffs rights and is being sued in their official and individual capacities.

A Jury trial on all issues triable by jury. Plaintiffs lost in this suit. Any additional relief the court deems just proper and equitable.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28

day of January, 2019

Mr. Robert F. Ogleby  
Mr. John F. Ogleby

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Broad River Correctional Inst

4400 Broad River Road

Columbia SC 29210

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

Legal avenue of addressing my claim, due process rights

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes  
 No

E. If you did file a grievance:

1. Where did you file the grievance?

Broad River Corr. Inst.  
by placing it in the mailbox in unit due to  
State wide lock down. 10-10-2018

2. What did you claim in your grievance?

that all parties be tried immediately, and charged  
with assault and battery, or intent to kill, lynching, necessary  
before and after the fact, violations of due process and  
inhuman living conditions, for failure to provide medical attention.

3. What was the result, if any?

As to date, grievance has not been answered  
or referred to plaintiff, in order to continue the  
grievance process.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

After waiting seven months for the  
grievance to be answered I filed my lawsuit because it's  
been held in abeyance for no other purpose than to delay  
the filing of lawsuit to expire the time limit.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*See Exhibits*

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Mr. John F. Ogleby

Defendant(s) Stinson et al

2. Court (if federal court, name the district; if state court, name the county and State)

District of South Carolina

3. Docket or index number

8:13-cv-13378-TMC

4. Name of Judge assigned to your case

Karen E. McDonald

5. Approximate date of filing lawsuit

April 8, 2014

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. 5/7/2015

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

settled in my favor

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes  
 No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Mr. Bob F-O-S-L  
Defendant(s) Warden Stevens, et al

2. Court (if federal court, name the district; if state court, name the county and State)

District of South Carolina

3. Docket or index number

8:13-cv-03378-Tmc

4. Name of Judge assigned to your case

Karen Kuhn F. McDonald

5. Approximate date of filing lawsuit

April 8, 2014

6. Is the case still pending?

Yes  
 No

If no, give the approximate date of disposition. 5/17/2015

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Judgement entered in my favor case settled for 7,500.00

## IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Jan. 28, 2019

Signature of Plaintiff	<u>Mr. John F. Oglesby pro se</u>		
Printed Name of Plaintiff	<u>Mr. John F. Oglesby pro se</u>		
Prison Identification #	<u>194567</u>		
Prison Address	<u>McCormick, Corr. Inst. 356 Ridgely Hwy</u>		
<u>McCormick</u>	<u>SC</u>	<u>29899</u>	
City	State	Zip Code	

### B. For Attorneys

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney	_____		
Printed Name of Attorney	_____		
Bar Number	_____		
Name of Law Firm	_____		

Address

Mr. John F. Ogleby 144867 RIB-126  
M.C.L. 386 Fullerton, CA  
McComick, SC 24899

Telephone Number

E-mail Address